

AMENDED IN SENATE APRIL 15, 2010

SENATE BILL

No. 1186

Introduced by Senator Liu

February 18, 2010

An act to amend Sections 33000, 33030, 33031, 33032, 33111, and 33301 of, to add Chapter 1.7 (commencing with Section 33090) to Part 20 of Division 2 of Title 2 of, and to repeal Section 33034 of, the Education Code, relating to education governance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1186, as amended, Liu. Education governance.

(1) Existing law establishes the State Board of Education to adopt policies, and to establish rules and regulations, not inconsistent with the laws of the state, to govern the public elementary and secondary schools of the state. Existing law provides that the state board consists of 10 members, who are appointed by the Governor to 4-year terms with the advice and consent of $\frac{2}{3}$ of the Senate. Existing law also provides for the appointment by the Governor, with the advice and consent of $\frac{2}{3}$ of the Senate, of a student member to a single one-year term commencing on August 1. Existing law authorizes the state board to issue subpoenas to compel the attendance of witnesses before the board, or before any member of the board, in the same manner as any court in the state.

This bill would require that the 10 nonstudent appointees to the state board represent, and reside in, ~~distinct~~ *different* geographical areas of the state, reflect the ethnic and gender diversity of the state's population, and represent the various disciplines active in the public education system.

The bill would eliminate the authority of the state board to establish statewide educational policy and issue rules and regulations for the governance of public elementary and secondary schools. The bill would instead provide that the state board, working with the Secretary ~~of~~ *for* Education, whose office would be established by this bill, would advise the Governor on education policy.

The bill would eliminate the authority of the state board to issue subpoenas to compel the attendance of witnesses.

(2) Existing law requires the Superintendent of Public Instruction, among other things, to execute, under the direction of the State Board of Education, the policies decided upon by the state board.

This bill would eliminate the requirement that the ~~State Department of Education~~ *Superintendent of Public Instruction* execute policies of the State Board of Education. The bill would instead define the function of the Superintendent as ensuring the delivery of high-quality education to the pupils of the state who attend preschool, kindergarten, and grades 1 to 12, inclusive.

The bill would establish the Secretary ~~of~~ *for* Education as a cabinet-level officer, appointed by the Governor with the advice and consent of $\frac{2}{3}$ of the Senate, ~~to work~~ *who would work* together with the state board to advise the Governor on education policy.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) President Obama has called on states to move forward
4 aggressively on education reform. The approval by Congress of
5 the Race to the Top competitive grant funds echoes this call, and
6 funds will go to states that are leading the way with ambitious yet
7 achievable plans for implementing coherent, compelling, and
8 comprehensive education reform.

9 (b) The United States House of Representatives has passed
10 legislation that contains an Early Learning Challenge Fund, which
11 is an \$8 billion, eight-year investment in early learning programs.

12 ~~(c) Superintendent of Public Instruction Jack O'Connell has~~

13 *(c) Several studies, including a 2007 report by the*
14 *Superintendent of Public Instruction, have highlighted California's*

1 persistent achievement gap among different demographic groups
2 of pupils.

3 (d) California has a high school completion rate of 75 percent.
4 About 60 percent of California high school graduates enter
5 community college or a four-year college.

6 (e) Recent studies have criticized California's governance
7 system for lacking transparency; and being overly complex,
8 inefficient, and ineffective.

9 (f) In order for California to *produce an educated population*,
10 make headway in closing the student achievement gap ~~and to, and~~
11 be competitive in seeking federal Race to the Top program ~~funds~~,
12 and other federal education programs and improvement funds, the
13 state must have an effective, functional, and streamlined
14 governance system in place.

15 SEC. 2. Section 33000 of the Education Code is amended to
16 read:

17 33000. (a) There is in the state government a State Board of
18 Education, consisting of 10 members, who are appointed by the
19 Governor with the advice and consent of two-thirds of the Senate.

20 (b) Appointees to the state board shall do all of the following:

21 (1) Represent and reside in ~~distinct~~ *different* geographical
22 regions of the state.

23 (2) Reflect the ethnic and gender diversity of the state's
24 population.

25 (3) Represent the array of disciplines active in the public
26 education system, including, but not necessarily limited to,
27 teachers, principals, school district administrators and financial
28 officers, charter school administrators, ~~and employees of county~~
29 ~~offices of education and school district governing boards.~~ *county*
30 *offices of education, school district governing boards, classified*
31 *employees, and parents.*

32 SEC. 3. Section 33030 of the Education Code is amended to
33 read:

34 33030. The board ~~together with the Secretary of,~~ *together with*
35 *the Secretary for* Education, shall advise the Governor on education
36 policy.

37 SEC. 4. Section 33031 of the Education Code is amended to
38 read:

39 33031. (a) The state board shall adopt rules and regulations
40 not inconsistent with the laws of this state for its own procedures.

(b) The rules and regulations adopted by the state board under this section shall be published for distribution as soon as practicable after adoption.

SEC. 5. Section 33032 of the Education Code is amended to read:

33032. The state board shall study the educational conditions and needs of the state, and make ~~plans~~ *recommendations* for the improvement of the administration and efficiency of the public schools of the state. The state board shall report the results of its study, and any ~~plans~~ *recommendations* that it makes under this section, to the Governor in the report required by Section 33037.

SEC. 6. Section 33034 of the Education Code is repealed.

SEC. 7. Chapter 1.7 (commencing with Section 33090) is added to Part 20 of Division 2 of Title 2 of the Education Code, to read:

CHAPTER 1.7. SECRETARY ~~OF~~ FOR EDUCATION

33090. There is in the state government a Secretary ~~of~~ *for* Education, a cabinet-level officer who shall, together with the State Board of Education, advise the Governor on education policy. The Secretary ~~of~~ *for* Education shall be appointed by the Governor with the advice and consent of two-thirds of the Senate. The Secretary ~~of~~ *for* Education ~~shall develop and recommend for Education~~ *shall develop and recommend policies and programs and* fiscal and governance incentives that promote sharing *of information* and consolidation of educational services among school districts and county offices of education, *expansion of the K-12 public education system to include early childhood education, and an increase in the ratio of school counselors to middle and high school pupils.*

SEC. 8. Section 33111 of the Education Code is amended to read:

33111. The Superintendent of Public Instruction shall ensure the delivery of high-quality education to the pupils of the state who attend preschool, kindergarten, and grades 1 to 12, inclusive. The responsibilities of the Superintendent shall include, but not necessarily be limited to, all of the following:

(a) Establishing educational expectations for pupils.

(b) Apportioning resources to schools.

1 (c) Managing statewide educational and financial accountability
2 programs.

3 (d) Overseeing school district fiscal audit reviews.

4 (e) Serving as the independent spokesperson for California's
5 populace and pupils.

6 (f) Facilitating educational accountability by administering and
7 promoting the effective use of data to measure and improve pupil
8 learning. Educational accountability shall include, but not
9 necessarily be limited to, all of the following:

10 (1) Measuring pupil and institutional performance to ensure
11 adequate and equitable education and compliance with special
12 education and civil rights law.

13 (2) Monitoring the implementation of state and federal programs.

14 (3) Identifying schools that fail to meet pupil achievement
15 targets.

16 (4) Defining and implementing intervention strategies for
17 schools that fail to meet pupil achievement targets.

18 SEC. 9. Section 33301 of the Education Code is amended to
19 read:

20 33301. The Department of Education shall be administered
21 through

22 the Director of Education, ~~in whom all executive and~~
23 ~~administrative functions of the department are vested, and who is~~
24 ~~the executive officer of the State Board of Education. who shall~~
25 *be appointed by the Superintendent of Public Instruction and vested*
26 *with all executive and administrative functions of the department.*